

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

MARCO VALDEZ, derivatively on
behalf of MILLER ENERGY
RESOURCES, INC.,

Plaintiff,

v.

DELOY MILLER, SCOTT M. BORUFF,
JONATHAN S. GROSS, HERMAN
GETTELFINGER, DAVID HALL,
MERRILL A. MCPEAK, CHARLES M.
STIVERS, DON A. TURKLESON, AND
DAVID VOYTICKY,

Defendants,

and

MILLER ENERGY RESOURCES, INC,

Nominal Defendant.

Case No. 3:11-CV-462

Judges Varlan / Shirley

MOTION TO REMAND

COMES the Plaintiff Marco Valdez ("Plaintiff"), by and through counsel, and respectfully moves this Court to remand this case to the Chancery Court for Knox County, Tennessee, pursuant to 28 U.S.C. § 1447. Plaintiff further moves the Court for an award of attorneys' fees and costs pursuant to 28 U.S.C. § 1447(c).

In support hereof, Plaintiff would show that this matter was removed by Defendant Herman Gettlefinger on September 23, 2011, in contravention of 28 U.S.C. § 1441(b). In further support hereof, Plaintiff submits herewith and incorporates herein by reference his MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION TO REMAND, and the DECLARATION

OF DALE J. MONTPELIER IN SUPPORT OF PLAINTIFF'S MOTION TO REMAND with Exhibits 1 through 4 attached thereto.

WHEREFORE, Plaintiff moves the Court to remand this case to the Chancery Court for Knox County, Tennessee, and for an award of attorneys' fees and expenses.

Date: October 19, 2011

Respectfully submitted,

/s/Dale J. Montpelier
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 19, 2011, a true and exact copy of the foregoing has been filed electronically. Notice of filing will be sent by operation of the Court's ECF filing system to all parties indicated on the ECF filing receipt.

/s/Dale J. Montpelier
Dale J. Montpelier